

Oct 18, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WASHINGTON

MICHAEL MOORE, o.b.o., PAMELA
M., deceased,

Plaintiff,

v.

MARTIN O'MALLEY,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:21-CV-3030-ACE

ORDER GRANTING PLAINTIFF'S
MOTION FOR SUBSTITUTION OF
PARTY

BEFORE THE COURT is Plaintiff's motion for substitution of party, ECF No. 16. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Shata Ling Stucky represents Defendant.

Plaintiff filed this disability appeal case on March 1, 2021. ECF No. 1. On April 30, 2021, the Court granted the parties' stipulated motion for remand and remanded the case to the Commissioner for further administrative proceedings. ECF No. 9. Judgment was entered for Plaintiff. ECF No. 10. However, recent pleadings indicate Plaintiff was found deceased on May 14, 2022. ECF No. 17 ¶ 3; ECF No. 16. On October 8, 2024, Plaintiff's counsel moved the Court to substitute Michael Moore as the Plaintiff in this action in place of his deceased mother, Pamela M. ECF No. 16. Defendant filed a response indicating he had no objection to the motion for substitution of party. ECF No. 20.

1 The regulations provide that certain survivors may be entitled to posthumous
2 underpayments of benefits. *See* 42 U.S.C. § 1383(b)(1)(A); 20 C.F.R. §§
3 404.503(b) and 416.542(b). Any action pursuing such benefits would need to be
4 properly pursued by one of the decedent's successors eligible for posthumous
5 underpayments. A review of Plaintiff's motion, ECF No. 16, and the declaration
6 of Michael Moore, ECF No. 17, reflects Pamela M. died without a will, Pamela M.
7 has no spouse, and Michael Moore is the son of Pamela M. Consequently, Michael
8 Moore is qualified to be substituted as the real party in interest in this matter.

9 Accordingly, **IT IS HEREBY ORDERED:**

10 1. Plaintiff's motion for substitution of party, **ECF No. 16**, is
11 **GRANTED.**

12 2. All future pleading shall reflect the Plaintiff of this case as follows:
13 **MICHAEL MOORE, o.b.o., PAMELA M., deceased.**

14 **IT IS SO ORDERED.** The Clerk of the Court is directed to enter this
15 order, furnish copies to counsel, and **AMEND the docket** to reflect Plaintiff as
16 **MICHAEL MOORE, o.b.o., PAMELA M., deceased.**

17 DATED October 18, 2024.



A handwritten signature in blue ink, reading "Alexander C. Ekstrom", is written over a horizontal line.

ALEXANDER C. EKSTROM

UNITED STATES MAGISTRATE JUDGE